

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA §
 §
V. § CASE NO. 3:15-CR-164-B
 §
ELIZABETH UWAGBOI-UGBECHE (4) §

DEFENDANT UWABOI-UGBECHE’S UNOPPOSED MOTION FOR CONTINUANCE

TO THE HONORABLE JANE BOYLE, UNITED STATES DISTRICT JUDGE:

COMES NOW, ELIZABETH UWAGBOI-UGBECHE, Defendant in the above styled cause, by and through her attorney of record Paul Lund and files this her Unopposed Motion for Continuance. In support of said Motion, the Defendant would show unto the Court as follows:

I.

The Defendant was indicted on May 6, 2015 in a one count indictment alleging Conspiracy to Make False Statements Relating to Health Care Matters in violation of 18 U.S.C. §371 (18 U.S.C. §1035(a)(2)). The Defendant had her initial appearance and entered a plea of not guilty before Magistrate Toliver on May 8, 2015. Defendant subsequently filed an Unopposed Motion to Declare the Case Complex which was granted by the Court on May 27, 2015. See Docs. 40, 41.

The Government then filed a Superseding Indictment against the Defendant and three co-defendants on September 1st, 2015.¹ The superseding indictment alleged a Conspiracy to Commit Health Care Fraud in violation of 18 U.S.C. §1349 (18 U.S.C. §1347) in Count 1 and also added four

¹See Doc. 53. The co-defendants named in the Superseding Indictment are Ayitey Ayayee-Amim, Michael Umunnakwe, and Olusola Aderemi Akingbade.

separate counts of Health Care Fraud in violation of 18 U.S.C. §1347 and 2.² All co-defendants have since pled not guilty and are currently scheduled for trial on May 9, 2016. Doc. 89. This trial date resulted from a motion filed by a co-defendant in response to the Government's disclosure that they would soon file a second superseding indictment. See Doc. 88.

II.

Undersigned counsel is presently set for trial in the Honorable Ed Kinkeade's court on that date and accordingly requests that the Court reset the trial date until June 20, 2016. Undersigned counsel has conferred with all parties and all have agreed that they do not oppose this request and that they have that date available. This continuance is requested not for purposes of delay but rather to protect the Defendant's right to effective assistance of counsel, right to counsel of the Defendant's choice, and to avoid a miscarriage of justice.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully requests this Honorable Court grant this Motion, and issue an order setting this case for trial on June 20, 2016.

Respectfully Submitted,

/s/ Paul T. Lund

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Attorney for Defendant
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²Counts 2 and 5 name co-defendant Akingbade while counts 3 and 4 name the Defendant.

CERTIFICATE OF CONFERENCE

This is to certify that undersigned counsel conferred with Doug Brasher, the Assistant United States Attorney in charge of this case as well as the defense attorneys for each co-defendant in this case. All parties advise that they do not oppose the granting of this motion. Additionally, undersigned counsel, James Whalen (attorney for Olusola Aderemi Akingbade), Steve Jumes (attorney for Ayitey Ayayee-Amim), and Tracie Tippen (attorney for Michael Umunnakwe) advise that they have no conflicts for the trial date of June 20, 2106.

/s/ Paul T. Lund

Paul T. Lund

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing motion was delivered by ECF filing to Doug Brasher, the Assistant United States Attorney in charge of this case as well as counsel for all co-defendants on March 1, 2016.

/s/ Paul T. Lund

Paul T. Lund